

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ERIC JACQUINOT,
PASCAL LETOURNEAU and MAURICE RIVOIRE

Application No. 09/427,675

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received at the Board of Patent Appeals and Interferences on November 4, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

An examination of the file reveals that an Information Disclosure Statement (IDS) was filed October 27, 1999. It is not apparent from the record whether the examiner considered the statement submitted or notified appellants of why their submission did not meet the criteria set forth in 37 CFR §§ 1.97

and 1.98. A communication notifying appellants of the Examiner's decision is required.

In addition, according to page 2 of the Examiner's Answer mailed June 17, 2004, "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, it is noted that the language of claims 17 and 20 through 22 in the Appendix differs from its last amended version. Correction is required.

Lastly, § 707.08 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1 (Feb. 2003) states:

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials

The Examiner's Answer mailed June 17, 2004 is deficient in that there is no signature or written initials for Duy Vu Nguyen Deo. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

1. for consideration of the IDS filed October 27, 1999 and written notification to appellants regarding the Examiner's decision;
2. for issuance of a supplemental Examiner's Answer which contains a correct copy of claims 17 and 20 through 22, or for notification to appellants to submit a new Appendix to the Appeal Brief filed April 26, 2004 which contains the corrected claims;
3. for taking corrective action regarding the signature or written initials for Duy Vu Nguyen Deo;
4. for written communication to appellants regarding the action taken; and
5. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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Application 09/427,675

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